

REMARKS/ARGUMENTS

Claims 3, 5, 9, 21, 25 and 36 have been amended. Claims 15 and 31 have been canceled without prejudice. Claims 2-14, 17-19, 21-30 and 36-37 are pending in this application.

The Examiner is thanked for the courtesies extended during the telephonic interview conducted on November 9, 2010, during which the claim objections relating to the claim limitation "when the power supply is within the power supply unit...," and the claim limitations directed to the position of the center of gravity in relation to the (first and second) ends of the housing case and the strap attaching unit when the power supply is within the power supply unit, were discussed.

Claims 2-10, 15, 17-26, 31 and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co. (9-179549) and Cartmell (U.S. Patent No. 6,036,068). In addition, claims 11-14 and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co., Cartmell, and Mills (U.S. Patent No. 6,353,870).

Amended independent claim 36 now recites, in relevant part, the following.

a cylindrically-shaped housing case having a first end opposite a second end, wherein the housing case has a center in a longitudinal direction of the housing case between the first end and the second end, wherein a first end side of the housing case extends from the center in the longitudinal direction of the housing case to the first end, and wherein a second end side of the housing case extends from the center in the longitudinal direction of the housing case to the second end;

a manipulating unit configured to be arranged on a plane perpendicular to the longitudinal direction of said housing case at the first end side;

a strap attaching unit configured to be arranged at the first end side on a plane extending in the longitudinal direction of the housing casing, wherein the strap attaching unit is at a predetermined position spaced from the manipulating unit in a direction of the second end;

a jack configured to be arranged at the first side on the plane extending in the longitudinal direction of the housing casing, said jack having an opening arranged to receive a plug inserted from a direction of the first end;

a power supply unit configured to contain a power supply and to be arranged at the second end side of the housing case,

wherein, when the power supply is within the power supply unit, a center of gravity of the device is at the second end side and the predetermined position of the strap attaching unit is spaced from the center of gravity of the device in a direction of the first end,

wherein, when the power supply is within the power supply unit and a strap dangled from a neck of a user is attached to the strap attaching unit from a direction of the first end so the device is dangled vertically from the neck of the user, the first end of the housing case orients toward the neck of the user

(Emphasis added). Accordingly, as discussed during the interview, the device of claim 36 includes a cylindrically-shaped housing case having opposing first and second ends, and a center in a longitudinal direction of the housing case between the first and second ends. In addition, the claim recites that a first end side of the housing case extends, in the longitudinal direction of the case, from the center to the first end, and a second end side of the housing case extends, in the longitudinal direction of the case, from the center to the second end. Also, claim 36 recites that a manipulating unit, a jack with an opening and a strap attaching unit are arranged at the first end side of the housing case, and a power supply unit to contain a power supply is arranged at the second end side of the housing case. In addition, claim 36 requires that, when the power supply is within the power supply unit, (i) a center of gravity of the device is at the second end side and (ii) the strap attaching unit is at a predetermined position on the first

end side, where the predetermined position is spaced from the manipulating unit in the direction of the second side and spaced from the center of gravity in a direction of the first end. Further, claim 36 recites that, when (i) the power supply is within the power supply unit, which provides for the above-recited positioning of the center gravity of the device in relation to the strap attaching unit, and (ii) a strap dangled from a neck of a user is attached to the strap attaching unit from a direction of the first end so the device is vertically dangled from the neck of the user, the first end of the housing case orients toward the neck of the user. (See specification, for example, at pg. 12, ln. 14-17, pg. 16, ln. 1-22, pg. 47, ln. 19, pg. 48, ln. 16 and FIGs. 4 and 6).

Consequently, advantageously in accordance with the claimed invention, the opening of the jack, which is arranged to receive a plug inserted from a direction of the first end, is oriented toward the neck of the user when the power supply is within the device and the device is dangled vertically from the neck of the user from a strap attached to the strap attaching unit, based on the position of the center gravity of the device in relation to the strap attaching unit when the power supply is within the device. Thus, the device of the claimed invention may provide that, when the power supply is within the device and the device is vertically dangled at the strap attaching unit, the first end of the housing case of the device orients toward the user's face (see FIG. 6), such that the user can easily manipulate the manipulating unit, such as a play/stop button 19, and also insert or remove a plug into or from the opening of the jack. (See specification, for example, at pg. 48, ln. 17-21, pg. 49, ln. 5-8 and 20-25).

As further discussed during the interview, the applied portions of Tokyo Shibaura Electric, Cartmell and Mills do not appear to disclose positioning a strap attaching unit at the

first end side of the cylindrically-shaped housing case, and that, when the power supply is within the power supply unit of the device, the center of gravity is at the second end side, the strap attaching unit is spaced from the center of gravity of the device in a direction of the first end, and the first end of the housing of the device, when the device is dangled vertically from the neck of a user by a strap attached to the strap attaching unit, orients toward the neck of the user, as now specifically required by the claimed invention. As particularly discussed during the interview, the position of the center of gravity relative to the strap attaching unit, when the power supply is within the device, in accordance with the claimed invention provides a specific functional result for the device, namely, orienting the first end of the housing case toward the neck of the user from which the device is being vertically dangled, even if the user changes his posture. (See specification, for example, at pg. 48, ln. 9-16).

Accordingly, it is respectfully submitted that amended independent claim 36 is distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner.

Claims 2-10, 17-19, 21-26 and 37 depend from independent claim 36. It is, therefore, respectfully submitted that claims 2-10, 17-26 and 37 are distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner for at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

Further, claims 11-14 and 27-30 depend from independent claim 36. Consequently, claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner for at least the reasons previously described with respect to claim 36. In addition, the Examiner does not appear to rely on Mills to overcome the above-described deficiencies of Tokyo Shibaura Electric and Cartmell.

Accordingly, it is also respectfully submitted that dependent claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric, Cartmell and Mills applied by the Examiner for at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
Electronic signature: /Davy E.
Zoneraich/
Davy E. Zoneraich
Registration No.: 37,267
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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